

REMARKS

This paper is presented in response to the Office Action mailed May 23, 2007. By this paper, claims 1, 5, and 16 are amended, and new claims 21-22 are added. Claims 1-6, 8-12, and 14-22 are now pending in view of the aforementioned cancellations and new claims.

Reconsideration of the application is respectfully requested in view of the aforementioned amendments and the following remarks. For the convenience and reference of the Examiner, Applicants' remarks are presented in the order in which the corresponding issues were raised in the Office Action.

I. General Considerations

A. Claim Amendments and/or Cancellations

Applicants respectfully note that the remarks herein do not constitute, nor are they intended to be, an exhaustive enumeration of the patentable distinctions between any cited references and the invention, example embodiments of which are set forth in the claims of this application. Rather, and in consideration of the fact that various factors make it impractical to enumerate all the patentable distinctions between the invention and the cited art, as well as the fact that the Applicants have broad discretion in terms of the identification and consideration of the base(s) upon which the claims distinguish over the cited references, the distinctions identified and discussed herein are presented solely by way of example. Consistent with the foregoing, the discussion herein is not intended, and should not be construed, to prejudice or foreclose contemporaneous or future consideration by the Applicants, in this case or any other, of: additional or alternative distinctions between the invention and the cited references; and/or, the merits of additional or alternative arguments.

With specific reference now to the claim amendments, Applicants note that while claims 1, 5, and 16 have been amended herein, such amendments have been made in the interest of expediting the allowance of this case. Notwithstanding, Applicants, may, on further consideration, determine that claims of broader scope than those now presented are supported. Accordingly, Applicants hereby reserve the right to file one or more continuing applications with claims broader in scope than the claims now presented.

Consistent with the points set forth above, Applicants submit that neither the claim amendments set forth herein, nor any other claim amendments, claim cancellations or statements advanced by the Applicants in this or any related case, constitute or should be construed as, an implicit or explicit surrender or disclaimer of claim scope with respect to the cited, or any other, references.

B. Remarks

Applicants note that the remarks, or a lack of remarks, set forth herein are not intended to constitute, and should not be construed as, an acquiescence, on the part of the Applicants: as to the purported teachings or prior art status of the cited references; as to the characterization of the cited references advanced by the Examiner; or as to any other assertions, allegations or characterizations made by the Examiner at any time in this case. Applicants reserve the right to challenge the purported teaching and prior art status of the cited references at any appropriate time.

In addition, the remarks herein do not constitute, nor are they intended to be, an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed herein are presented solely by way of example. Consistent with the foregoing, the discussion herein is not intended, and should not be construed, to prejudice or foreclose contemporaneous or future consideration, by the Applicants, of additional or alternative distinctions between the claims of the present application and the references cited by the Examiner, and/or the merits of additional or alternative arguments.

II. Rejection of Claims under 35 U.S.C. § 112, second paragraph

The Examiner has rejected claims 5, 6, 8, and 15-19 as purportedly lacking definiteness. In light of the amendments herein to claims 1, 5, and 16, Applicants respectfully submit that the rejection has been overcome and should accordingly be withdrawn.

III. Rejection of Claims under 35 U.S.C. § 103

Applicants respectfully note at the outset that in order to establish a *prima facie* case of obviousness, it is the burden of the Examiner to demonstrate that three criteria are met: first, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; second, there must be a reasonable expectation of success; and third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *MPEP* § 2143.

A. Claims 1, 4-6, 8, 10-12, and 14

The Examiner has rejected claims 1, 4-6, 8, 10-12 and 14 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,040,242 to Tsuchiya et al. ("Tsuchiya") in view of U.S. Patent No. 6,488,416 to Shishikura et al. ("Shishikura") and U.S. Patent No. 4,675,770 to Johansson ("Johansson"). Applicants respectfully disagree but submit that for at least the reasons set forth below, the rejection is moot and should be withdrawn.

By this paper, Applicants have amended claim 1, from which claims 4-6, 8, 10-12, and 14 depend, to recite in part "...a host serial interface coupled directly to the main controller IC, the host serial interface including both clock line and data line interfaces configured to enable communication between the host serial interface and an external host; and an internal serial bus to which the main controller IC and the power controller IC are connected in parallel." Support for this amendment can be found in the application at, for example, page 10, lines 5-21, and Figures 2a through 2c.

In contrast, the Examiner has not shown that the cited references, when combined in the purportedly obvious fashion, teach or suggest the aforementioned limitations in combination with the other limitations of claim 1. Applicants thus respectfully submit that the rejection of claim 1, as well as the rejection of corresponding dependent claims 4-6, 8, 10-12, and 14, should be withdrawn.

B. Claims 2 and 3

The Examiner has rejected claims 2 and 3 under 35 U.S.C. § 103(a) as being unpatentable over *Tsuchiya* in view of *Shishikura* and *Johansson* as applied to claim 1, and further in view of U.S. Patent No. 6,603,326 to Tse et al. ("Tse"). Applicants respectfully disagree.

By virtue of their dependence from claim 1, claims 2 and 3 require all the limitations of claim 1. Inasmuch as the Examiner has not shown that the references, when combined in the purportedly obvious fashion, teach or suggest all the limitations of amended claim 1, the rejection of claims 2 and 3 should be withdrawn.

C. Claim 9

The Examiner has rejected claim 9 under 35 U.S.C. § 103(a) as being unpatentable over *Tsuchiya* in view of *Shishikura* and *Johansson* as applied to claim 1, and further in view of U.S. Patent No. 5,953,690 to Lemon et al. ("Lemon"). Applicants respectfully disagree.

By virtue of its dependence from claim 1, claim 9 requires all the limitations of claim 1. Inasmuch as the Examiner has not shown that the references, when combined in the purportedly obvious fashion, teach or suggest all the limitations of amended claim 1, the rejection of claim 9 should be withdrawn.

D. Claims 1, 4-6, 8-12, and 14-19

The Examiner has rejected claims 1, 4-6, 8-12 and 14-19 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,929,982 to Anderson ("Anderson") in view of *Tsuchiya*, *Shishikura* and *Johansson*. Applicants respectfully disagree.

As noted above, Applicants have amended claim 1, from which claims 4-6, 8, 10-12, and 14-15 depend, to recite in part "...a host serial interface coupled directly to the main controller IC, the host serial interface including both clock line and data line interfaces configured to enable communication

between the host serial interface and an external host; and an internal serial bus to which the main controller IC and the power controller IC are connected in parallel.” However, the Examiner has not shown that the cited references, when combined in the purportedly obvious fashion, teach or suggest the aforementioned limitations in combination with the other limitations of claim 1. Applicants thus respectfully submit that the rejection of claim 1, as well as the rejection of corresponding dependent claims 4-6, 8, 10-12, and 14-15, should be withdrawn.

Regarding claims 16-19, the Examiner has conceded that “...Anderson does not further specifically disclose a power controller integrated circuit...[but] it would have been obvious to...[include] a power controller circuit as taught by Tsuchiya et al. in the system described by Anderson...in order to effectively distribute and control the power to the various electronic and opto-electronic components of the transceiver module.” *Office Action* at 10. *Emphasis added.* Applicants note however that *Anderson* discloses that the OTDR 60 includes a “power supply section 66.” (See, e.g., col. 10, lines 41-46, and Figure 8). As to the “power supply section 66,” *Anderson* states that “The power supply section 66 includes a controller 118 and associated control programs, stored in ROM 120, for providing power management and front panel control functions and RAM 122 for storing data related to the power management function.” Col. 11, lines 31-35. *Emphasis added.* In light of this disclosure in *Anderson*, there would appear to be no reason, and thus no motivation, for one of ordinary skill in the art to undertake the purportedly obvious modification. That is, since *Anderson* purports to disclose a device for providing power management and control functions, there would be no need to modify the *Anderson* device to include the “power controller circuit” of *Tsuchiya*, as the Examiner has suggested would be obvious to do. Moreover, it is not apparent that the “power controller circuit” of *Tsuchiya* could be used to replace the “power supply section 66” of the *Anderson* device without compromising or impairing the functionality of the *Anderson* device.

Applicants note, moreover, that claim 16 requires “...an internal serial bus to which the power controller IC and the main controller IC are connected in parallel...” However, the Examiner has failed to assert, much less establish, that the references, when combined in the purportedly obvious fashion, teach or suggest the aforementioned arrangement.

As well, claim 16 has been amended herein to recite “...an internal serial bus to which the power controller IC and the main controller IC are connected in parallel, the internal serial bus being connected to the optical transmitter, the optical receiver, and an addressable component, and the main controller IC serves as a serial bus master for the internal serial bus.” Support for this amendment can be found in the application at, for example, page 9, lines 10-11.

In contrast, the Examiner has not shown that the references, when combined, teach or suggest the aforementioned limitations in combination with the other limitations of claim 16. Applicants thus submit that the Examiner has not made out a *prima facie* case of obviousness with respect to claim 16 at least because the Examiner has not demonstrated the existence of a motivation to make the purportedly obvious combination, and because the Examiner has not shown that the references, when combined in the purportedly obvious fashion, teach or suggest all the limitations of the rejected claims. Applicants thus respectfully submit that the rejection of claim 16 should be withdrawn. Inasmuch as dependent claims 17-19 require all the limitations of claim 16, Applicants respectfully submit that the rejection of those claims should likewise be withdrawn.

E. Claims 2 and 3

The Examiner has rejected claims 2 and 3 under 35 U.S.C. § 103(a) as being unpatentable over *Anderson* in view of *Shishikura, Tsuchiya and Johansson* as applied to claim 1, and further in view of *Tse*. Applicants respectfully disagree.

By virtue of their dependence from claim 1, claims 2 and 3 require all the limitations of claim 1. Inasmuch as the Examiner has not shown that the references, when combined in the purportedly obvious fashion, teach or suggest all the limitations of amended claim 1, the rejection of claims 2 and 3 should be withdrawn.

IV. Claim 20

Applicants note that the Examiner has not addressed claim 20 in the Office Action. Accordingly, Applicants respectfully request that examination of claim 20 be carried out, and Applicants be advised of the results of such examination.

V. Examiner Affidavit

In connection with the foregoing, Applicants note that it appears that the Examiner is relying on personal knowledge as a basis for rejecting claim 17. Particularly, the Examiner has alleged that: “It is well understood in the art that a component attached to a bus would inherently include some interface simply to properly communicate information with the bus. It would have been obvious to a person of ordinary skill in the art to specifically include a serial interface element associated with each memory element simply in order to ensure that the components were in communication with the bus...” *Office Action* at 13. However, the Examiner has not identified any references or other materials as being obvious to combine with the purported teachings of *Anderson, Shishikura, Tsuchiya and Johansson*.

In view of the foregoing, and pursuant to 37 C.F.R. 1.104(d)(2), Applicants hereby respectfully request an Examiner affidavit that: (i) specifically identifies any and all reference(s), other than those that have been specifically cited by the Examiner, upon which the obviousness rejection of claim 17 is based; and (ii) provides complete details concerning the reasoning and analysis of the Examiner concerning those references as those references are purported to apply to the rejection of claim 17. Finally, please note that this request for an affidavit pursuant to 37 C.F.R. 1.104(d)(2) remains in force throughout the prosecution of this case unless expressly withdrawn by the Applicants

VI. New Claims 21-22

By this paper, Applicants have added new dependent claims 21 (depending from claim 16) and 22 (depending from claim 4). Support for new dependent claim 21 can be found in the application at Figure 2b, and page 12, lines 3-15. Support for new dependent claim 22 can be found in the application at Figure 5, and page 15, line 32 to page 18, line 5. New claims 21 and 22 are believed to be in allowable condition at least by virtue of their dependence from claims 16 and 4, respectively.

CONCLUSION

In view of the remarks submitted herein, Applicants respectfully submit that each of the pending claims 1-6, 8-12, and 14-20 is in condition for allowance. Therefore, reconsideration of the rejections is requested and allowance of those claims is respectfully solicited. In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate the same with the undersigned attorney.

Dated this 20th day of September, 2007.

Respectfully submitted,
/Peter F. Malen, Jr./Reg.# 45,576

Peter F. Malen Jr.
Attorney for Applicants
Registration No. 45,576
Customer No. 022913
Telephone: (801) 533-9800